

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, SEPTEMBER 17, 2015**

A meeting of the New Jersey Board of Chiropractic Examiners was held on September 17, 2015 at the State Office Building, 124 Halsey Street, 7th floor, Newark, New Jersey in the Essex Conference Room on the 7th floor. The meeting was convened in accordance with the provisions of the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Record, Newark Star Ledger, Camden Courier Post, Trenton Times and Asbury Park Press to advise of the scheduling of this meeting. The meeting was called to order by David Allen, D.C., President of the Board, at 10:15 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

David A. Allen, D.C.	Present
Rosemary Calio, BSN, RN, D.C.	Present
Paul Lyons, D.C.	Excused
Lawrence O'Connor, D.C.	Present
Thomas A. Senatore, Sr., D.C.	Present
Albert Stabile, Jr., D.C.	Present
John Traier	Absent
Brett A. Wartenberg, D.C.	Present
James L. Winters, D.C.	Present

Also present were: **Virginia Class-Matthews, Deputy Attorney General; Lisa Tadeo, Executive Director; and Tracy Steel, Board Staff.**

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF JULY 23, 2015

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to approve the public session minutes from the July 23, 2015 Board meeting as amended. A vote was taken and the motion passed with all members voting in favor.

**II. Hearing
In the Matter of Joseph C. Kushman, D.C.**

This matter was opened upon receipt of information that Joseph C. Kushman, D.C. allegedly engaged in a sexual relationship with a patient and thereafter stalked and harassed said patient.

An Administrative Action Complaint was filed on July 16, 2015 in the matter of Joseph C. Kushman, D.C. A Notice of Hearing and Notice to File Answer was filed on July 16, 2015.

Gezim Bajrami, Deputy Attorney General, prosecuted this matter before the Board. Richard J. Kaplow, Esq. represented Joseph C. Kushman, D.C.

An Interim Consent Order was filed on July 23, 2015. Dr. Kushman agreed to cease and desist from the practice of chiropractic in the State of New Jersey until this matter is heard on September 17, 2015.

Prior to the commencement of the hearing, Dr. Kushman agreed to enter into a Consent Order.

The provisions of the Consent Order were read. A motion was made by Dr. Senatore and seconded by Dr. Wartenberg to go into Executive Session to seek legal advice. After seeking legal assistance, the Board returned to Public Session to continuing the meeting. A motion was made by Dr. Stabile and seconded by Dr. O'Connor to accept the Consent Order as written.

The Consent Order was filed on September 17, 2015 suspending Joseph Kushman's chiropractic license for 3 years with 364 days being served as an active suspension and the balance stayed and served as a period of probation. Dr. Kushman was given 55 days credit towards the period of active suspension for the period of time he voluntarily ceased and desisted from the practice of chiropractic pursuant to the July 23, 2015 Consent Order.

III. CONTINUING EDUCATION COMMITTEE

The continuing education committee reviewed 104 courses submitted by continuing education sponsors. The committee recommended that 88 courses be approved based on the information submitted for these courses. The committee identified 16 courses where sponsor will be requested to provide additional information. A motion was made by Dr. Calio and seconded by Dr. Wartenberg, to approve the 88 courses as recommended by the committee. A vote was taken and motion passed with all members present voting in favor.

- A. University of Bridgeport
Course - Anatomy 101-233

A motion was made by Dr. Calio, which was seconded by Dr. O'Connor to approve the course, "Anatomy 101-233" as the content contains more than basic information. A vote was taken and the motion passed with all members present voting in favor.

IV. NEW BUSINESS

Upon a motion made by Dr. O'Connor, which was seconded by Dr. Stabile, the Board voted to go into Executive Session to review and discuss applications for licensure and reinstatement. The motion carried by a unanimous vote. The Board returned to public session to continue the meeting and vote on the applications for licensure and reinstatement.

A. Application for Reinstatement

1. Stacey Stefanski, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to inform Dr. Stefanski that she must take and pass the Special Purposes Examination for Chiropractic (SPEC) as she has not practice chiropractic in five years or more. A vote was taken and the motion passed with all members present voting in favor.

2. Clifford Daub, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to approve Dr. Daub's application for reinstatement. A vote was taken and the motion passed with all members present voting in favor.

3. Mitchell Faer, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to approve Dr. Faer's application for reinstatement. A vote was taken and the motion passed with all members present voting in favor.

4. Bruce Jacobson, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to request that Dr. Jacobson appear before the Board to discuss his application for reinstatement. A vote was taken and the motion passed with all members present voting in favor.

B. Application for Chiropractic Licensure

1. Anthony Piccillo, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to approve Dr. Piccillo's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

2. Gabriel Nadel, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to approve Dr. Nadel's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

3. Derek Bruno, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to approve Dr. Bruno's application for licensure. A vote was taken and the motion passed with all members present voting in favor.

C. Electrodiagnostic Application

1. Peter Bufano, D.C.

A motion was made by Dr. O'Connor, which was seconded by Dr. Winters to approve Dr. Bufano's Electrodiagnostic application. A vote was taken and the motion passed with all members present voting in favor

D. Inquiry from David Klayman, D.C.
RE: Continuing Education

Dr. Klayman inquired whether the Board would allow him to apply credits towards the continuing education requirement for his time spent as the creator and instructor of a PACE approved continuing education program.

A motion was made by Dr. Calio and seconded by Dr. Stabile to inform Dr. Klayman that you can count 12 credits towards the continuing education requirement pursuant to N.J.A.C. 13:44E-1A.5(g)4i. A vote was taken and the motion passed with all members present voting in favor.

E. Inquiry from Robert LaRusso, D.C.
RE: Continuing Education

Dr. LaRusso asked the Board if he could be granted an extension to complete the continuing education requirement this biennial renewal period due to his medical condition.

A motion was made by Dr. Calio, which was seconded by Dr. Stabile, to request that Dr. LaRusso provide the Board with a letter from his treating physician concerning the history and status of his medical condition. The Board will also request that Dr. LaRusso provide proof of the credits that he has completed between September 1, 2013 and August 31, 2015. The Board will also inform Dr. LaRusso that he can choose to put his license on inactive status. Dr. LaRusso will then need to meet the continuing education requirement prior to the reactivation of his license. A vote was taken and the motion passed with all members voting in favor.

- F. Inquiry from William Yu, D.C.
RE: Scope of Practice

Dr. Yu inquired whether it is within the scope of practice to use the device vanquish radio frequency to reduce fat.

A motion was made by Dr. Calio and seconded by Dr. Stabile to inform Dr. Yu that it is within the scope of practice provided it is related to chiropractic health, wellness and nutrition. A vote was taken and Dr. O'Connor opposed while all others voted in favor. The motion passed by a majority vote.

- G. Inquiry from Edward Camacho, D.C.
RE: Scope of Practice

Dr. Camacho inquired whether it is within the scope of practice to use cupping as a soft tissue decompression therapy.

A motion was made by Dr. Wartenberg and seconded by Dr. Winters to inform Dr. Camacho that cupping cannot be utilized for soft tissue decompression. A vote was taken and the motion passed with all members voting in favor.

- H. Assembly No. 4672
(Synopsis - Repeals law suspending certain licenses, registrations and certifications for failure to repay student loans)
- Introduced June 29, 2015

The Board reviewed Assembly No. 4672 and considered this to be informational.

- I. Assembly No. 4497
(Synopsis - Prohibits courts and professional boards from denying professional licenses to child support obligors under certain circumstances)
- Introduced June 1, 2015

The Board reviewed Assembly No. 4497 and considered this to be informational.

- J. Notice from Marc D. Marsico, Esq on behalf of Yanal Kazan, D.C.
RE: Order of Reinstatement of License filed March 12, 2015

The Order of Reinstatement of License filed March 12, 2015 in the matter of Yanal Kazan, D.C. required Dr. Kazan to provide the Board twice per year, no later than January 1 and July 1 of each year, a statement from his accountant certifying that he is current in his payments to the IRS in accord with the requirements of his criminal sentence.

Mr. Marsico wrote the Board on behalf of Dr. Kazan. Mr. Marsico informed the Board that he is working this Dr. Kazan and the Internal Revenue Service in resolving his tax debt.

The Board noted that the information provided by Mr. Marsico did not include a statement from Dr. Kazan's accountant and it was not provided to the Board by July 1st.

A motion was made by Dr. Wartenberg and seconded by Dr. O'Connor to advise Dr. Kazan that he must provide the information required by the Order of Reinstatement of License by December 31st. A vote was taken and the motion carried by a unanimous vote.

V. FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB)

Dr. O'Connor provided the Board with a verbal update on FCLB activities.

VI. INFORMATIONAL

- A. Bruce Jacobson, D.C.
RE: Final Order of Discipline Filed July 23, 2015

The Board reviewed the Final Order of Discipline Filed July 23, 2015 in the matter of Bruce Jacobson, D.C. and considered this to be informational.

- B. Mark Radowitz, D.C.
RE: Final Order Denying Reinstatement Filed July 23, 2015

The Board reviewed the Final Order Denying Reinstatement Filed July 23, 2015 in the matter of Mark Radowitz, D.C. and considered this to be informational.

ADJOURNMENT

The Board returned to Public Session and a motion was made by Dr. Stabile which was seconded by Dr. O'Connor to adjourn the meeting at 1:30 P.M. A vote was taken and the motion passed with all members present voting in favor.

Respectfully submitted,

Lisa Tadeo
Executive Director